

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

CAPITAL RESTAURANTS, INC., (DBA CUE CLUB), SPA 00-M-037-02 Appl. under Sect(s). 8-501 of the Zoning Ordinance to amend SP 00-M-037 previously approved for a billiards hall to permit change in permittee. Located at 7014 Columbia Pk., Annandale, 22003, on approx. 5.30 ac. of land zoned C-6, CRD, HC and SC. Mason District. Tax Map 60-3 ((1)) 21, 21A and 21B. Ms. Theodore moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on April 2, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The owner of the business is the applicant.
2. The area of the leased site is 4,000 square feet.
3. As heard at the hearing, as reflected in the staff report, the request is simply to change the current development conditions that are in effect, just to change the name of the permittee. Those conditions have been in effect since 2000 for the current special permit.
4. The hall has been operating without zoning violation since the last approval and conforms with those development conditions and a Non-Residential Use Permit approved in 2001.
5. Staff is recommending approval, and the Board accepts and incorporates those findings.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, Capital Restaurants, Inc., d/b/a the Cue Club, and is not transferable without further action of this Board, and is for the location indicated on the application, 7014 Columbia Pike, 4000 square feet
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of tenant space within the 5.3 acre site, and is not transferable to other land. Other than by-right, Special Exception and Special Permit uses may be permitted on the lot without a special permit amendment, if such uses do not affect this special permit use.

2. This special permit is granted only for the purpose(s), structure(s) and/or uses(s) indicated on the special permit plat titled "Bloom Store No. P-1382, 7002 Columbia Pike, Annandale VA," prepared by Scott Mirizzi, P.E, of LJB Inc., dated October 13, 2009, and approved with this application, as qualified by these development conditions.
  3. A copy of this special permit and the new Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
  4. This special permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services. Any plan submitted pursuant to this special permit shall be in substantial conformance with the approved Special Permit Amendment Plat and these development conditions. Minor modifications to the approved Special Permit may be permitted pursuant to Par. 4 of Sect. 804 of the Zoning Ordinance.
  5. The maximum daily hours of operation will be from 10:00 a.m. until 2:00 a.m., daily.
  6. After 10:00 p.m., the rear door on the north side of the building shall remain closed.
  7. The maximum number of employees on site at any one time for this use shall be five (5); the maximum number of patrons on-site at any one time shall be thirty-six (36); the maximum occupancy shall be posted at forty-one (41).
  8. The maximum number of billiard tables shall be nine (9); the eating establishment is permitted as an accessory use, with a maximum of eleven (11) tables containing a maximum of twenty (20) seats and a counter with eighteen (18) seats within the billiard hall.
  9. The applicant shall comply with all alcoholic beverage control laws of the Commonwealth of Virginia.
  10. Transitional screening requirements shall be waived and barrier requirements shall be modified in favor of conditions shown on the plat.
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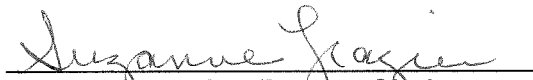
These conditions incorporate and supersede all previous conditions.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months (6) months after the date of approval unless a new Non-Residential Use Permit (Non-RUP) has been obtained. The Board of Zoning Appeals may grant additional time to obtain a Non-RUP if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Smith seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals